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DECISION



*P. S. Levy
Proc II*
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-188038

DATE: January 10, 1977

MATTER OF: Washington Patrol Service, Inc.

DIGEST:

Protest is dismissed as untimely when filed 18 working days after protester knew basis for protest: that pre-bid on-site inspection of buildings for which guard services were to be provided was conducted by manager of incumbent contractor, that tour was incomplete and that during tour protester was given information which conflicted with specifications.

Washington Patrol Service, Inc. (Washington) has protested the award of a contract to any other firm under IFB No. PBS-BMD-77-0004-GT, issued by the Public Buildings Service, General Services Administration (GSA) for security guard services. Washington alleges that the circumstances described below precluded it from submitting a more competitive bid and that the solicitation should be canceled and the procurement resolicited.

Washington's president states that on November 23, 1976, having made an appointment for the purpose, he made a pre-bid on-site inspection of the area where the security guard services were to be performed. He advised that he was met at the building entrance by a Government security guard, who escorted him to the manager of the incumbent security contractor. The protester states that he realized at the time of the tour that it was incomplete, and that the manager discouraged questions and provided inaccurate information about the scope of work.

The protester then brought the incident to the attention of the GSA contracting officer who was told, expressed his regrets and stated that he would see it would not happen again. However, it does not appear that the protester specifically requested another on-site visit conducted by a Government employee prior to the opening of bids. The protester now alleges that it was prevented from submitting a more competitive bid by the inadequate tour provided by the manager of the incumbent contractor.

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It is clear from the protest that at the time of the tour, November 23, the protester realized he was not being shown all of the buildings covered by the solicitation and that he was being given information which conflicted with the specifications. Our bid protest procedures provide that in situations such as this, protests "shall be filed not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier." 4 C.F.R. § 20.2(b)(2)(1976). Washington's protest therefore should have been filed with our Office no later than December 6, 1976. Since it was filed on December 20, it is untimely and not for consideration on the merits.

Paul G. Dembling
Paul G. Dembling
General Counsel